

REMARKS

Applicants have received and reviewed an Office Action dated February 10, 2006 for the present application. Claim 1 has been amended to incorporate features of claim 2. Claims 1, 3-5 and 7-9 have been amended. Claims 2, 6 and 10-83 are canceled without prejudice. New claim 84 incorporates features recited in original claim 5. No new matter has been added. Claims 1, 3-5, 7-9 and 84 are pending. Applicants submit that the pending claims are supported by the specification.

For the reasons given below, Applicants submit that the pending claims are in condition for allowance and notification to that effect is earnestly solicited.

Rejection of Claim Under § 112, Second Paragraph

The Examiner rejected claim 9 under 35 U.S.C. § 112, second paragraph. The Examiner objected to certain terms employed in claim 9. Applicants respectfully traverse this rejection.

Claim 9 is amended to recite white seeds or black seeds. Accordingly, Applicants respectfully submit that claim 9 fully complies with 35 U.S.C. § 112, second paragraph, and withdrawal of this rejection is respectfully requested.

Rejection of Claims Under § 112, First Paragraph

Enablement

Claims 1-38 were rejected under 35 U.S.C. § 112, first paragraph, in an enablement rejection. Applicants respectfully traverse this rejection.

The claims are directed to a composition including *Sesamum indicum* (Sesame) oil and *Centella asiatica* oil. Oils of *Sesamum indicum* and *Centella asiatica* are known and described in detail in the specification as filed at pages 3-6 (U.S. Publication No. 2005/0142232 A1 (the '232 publication) at paragraphs 7-17). This description includes the content and pharmacology of the oils (the '232 publication at the last several sentences of paragraph 10 and paragraphs 11, 16, and 17).

Effective embodiments of the inventive composition including *Sesamum indicum* oil and *Centella asiatica* oil are described in the specification as filed in originally filed claims 2-7 and in the specification as filed toward the middle to the end of page 7 (the '232 publication at paragraphs 30-32). These embodiments include about 2 to 20 wt% *Sesamum indicum* oil and

about 1 to 15% *Centella asiatica* oil; *Sesamum indicum* oil at about 10 wt% and *Centella asiatica* oil is about 5 wt%; or *Sesamum indicum* oil at about 4 wt% and *Centella asiatica* oil at about 2wt%. Applicants demonstrated that the claimed mixtures of *Sesamum indicum* oil and *Centella asiatica* oil showed beneficial activity in art accepted pharmacological models at pages 14 through page 17 of the specification as filed (the '232 publication at paragraphs 68-102).

The Office Action asserts that the specification does not describe the formulations administered in the examples. Applicants respectfully submit that the tables and paragraph at page 11 of the specification as filed (the '232 publication at paragraphs 68-71) provides a detailed description of the content of Formulations F1, F2, and F3 and the method of making these formulations. In particular, the paragraph on page 11 of the specification as filed (paragraph 71 of the '232 publication) describes extracting 1 kg of plant material with 50 % aqueous ethanol. The plant oil is described as an alcoholic extract at the first sentence of paragraph 16 of the '232 publication. The tables at page 11 (the '232 publication at paragraphs 68-70) describe compositions with 2 wt. % or 4 wt. % *Sesamum indicum* oil (the alcoholic extract of paragraph 71) and 2 wt. % *Centella asiatica* oil (the alcoholic extract of paragraph 71). These amounts are the same as those recited in the embodiment of paragraphs 30-32 and claims 2-4 as originally filed.

The compositions also include sucrose/lactose, alcohol, and water (paragraphs 68-70). They were administered orally to experimental animals (Examples).

The application as filed provides detailed description of the oils, of the methods of making compositions including the oils, of administering the oils, and of the beneficial effects of the mixture of oils in art accepted models.

Accordingly, Applicants respectfully submit that the claims fully comply with 35 § U.S.C. § 112, first paragraph, and withdrawal of this rejection is respectfully requested.

Written Description

Claims 1 and 5-38 were rejected under 35 U.S.C. § 112, first paragraph, in a written description rejection. Applicants respectfully traverse this rejection.

Claim 2 was not subject to this rejection. Claim 1 has been amended to incorporate features recited in original claim 2. Therefore, this rejection on longer applies.

Accordingly, Applicants respectfully submit that the claims fully comply with 35 U.S.C. § 112, first paragraph, and withdrawal of this rejection is respectfully requested.

Rejection of Claims Under § 102(b)

Claims 1, 6, 7, 8 and 10-38 were rejected under 35 U.S.C. § 102(b) as anticipated by *Pletcher, B.* (1998). Applicants respectfully traverse this rejection.

Claim 2 was not subject to this rejection. Claim 1 has been amended to incorporate features recited in original claim 2. Therefore, this rejection no longer applies.

Accordingly, Applicants respectfully submit that *Pletcher* fails to anticipate the presently claimed invention, and withdrawal of the rejection is respectfully requested.

Rejection of Claims Under § 103(a)

Claims 1-38 were rejected under 35 U.S.C. § 103(a) over *Pletcher, B.* (1998). Applicants respectfully traverse this rejection.

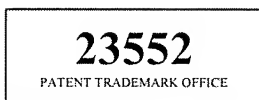
Independent claim 1 recites a herbal formulation including about 2 to 20 % *Sesamum indicum* oil and about 1 to 15wt% *Centella asiatica* oil.

Pletcher fails to teach or suggest a herbal formulation including about 2 to 20 wt% *Sesamum indicum* oil and about 1 to 15 wt% *Centella asiatica* oil as recited by independent claim 1.

Accordingly, Applicants respectfully submit that *Pletcher* neither teaches nor suggests the presently claimed invention, and withdrawal of the rejection is respectfully requested.

Conclusion

In summary, Applicant submits that each of claims 1, 3-5, 7-9 and 84 is in condition for allowance, and notification to that effect is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below, if the Examiner believes that doing so will expedite prosecution of this patent.

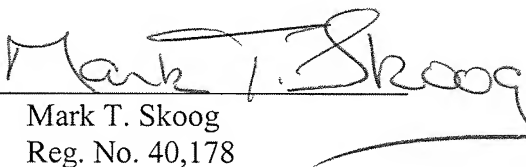


Dated: August 10, 2006

MTS/kf/SMM

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

By 
Mark T. Skoog
Reg. No. 40,178